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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

HARMEET K. DHILLON, an individual,

Plaintiff,

v.

DOE 1, an unknown individual, and
DOES 2 through 10,

Defendants.

Case Number: C 13-1465 SI

**DECLARATION OF HARMEET K.
DHILLON IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION FOR LEAVE TO TAKE
LIMITED DISCOVERY ON
GOOGLE, INC. PRIOR TO A RULE
26(f) CONFERENCE**

I, Harmeet K. Dhillon, declare:

1. I am the Plaintiff in the above-captioned action. I am an attorney at law duly admitted to practice before all Courts of the State of California, and the founding

1 partner of the firm of Dhillon & Smith LLP. I have personal knowledge of the matters
2 set forth herein and if called as a witness could and would competently testify thereto.
3 As to those matters stated on information and belief, I believe them to be true.

4 2. In March 2008, I commissioned photographer Colin Hussey to take a
5 number of photographs of myself in connection with my candidacy for Member of the
6 State Assembly, District 13 (the "2008 Photographs"). Among the 2008 Photographs was
7 the Headshot Photograph that is the work at issue in this case. I paid Mr. Husey for
8 taking the series of photographs that included the Headshot Photograph in 2008.

9 3. I have used the Headshot Photograph in my political campaign political
10 activities and in various professional marketing efforts, beginning in or around June
11 2008. I am the sole owner of the Headshot Photograph and the copyright therein.

12 4. Mr. Hussey and I entered into a Copyright Assignment Agreement, by
13 which Mr. Hussey transferred to me all rights (including copyrights), title and interest
14 in and to 2008 Photographs, including the Headshot Photograph. This document
15 memorializes our 2008 agreement that the photographs he took for me, belonged
16 exclusively to me.

17 5. The Headshot Photograph is registered with the U.S. Copyright Office.

18 6. On February 12, 2013, I first learned that an article entitled "Meet
19 Harmeet" had been published on the website www.MungerGames.net
20 ("MungerGames"), and posted the Headshot Photograph at the top of the article. The
21 article was posted anonymously.

22 7. I have never given permission or authorization for use, copying, or
23 distribution of the Headshot Photograph in the "Meet Harmeet" article or on the
24 MungerGames website.

25 8. Upon learning of the "Meet Harmeet" article, I promptly took all
26 reasonable steps to discover the identity of the individual(s) responsible for its posting.
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1 Through my counsel, I sought and obtained permission of this Court to serve a Rule 45
2 subpoena to New Dream Network, LLC, on behalf of DreamHost, which is the web
3 hosting provider that hosts the domain name Mungergames.net. There has not yet been
4 production pursuant to this subpoena.

5 9. On multiple occasions, I have received emails from the email address
6 mungerwatch@gmail.com, providing information and updates about the Munger
7 Games blog and including links directly to the website at www.mungergames.net. I
8 received these emails on several occasions, including on the following specific dates:
9 February 15, 2013; May 8, 2013; June 3, 2013; June 19, 2013; July 2, 2013; July 15, 2013.
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11 10. On the morning of Monday, August 26, 2013, I learned for the first time
12 that an individual (or individuals) using the email address
13 themungergames@gmail.com sent out email blasts to undisclosed recipients, providing
14 information and updates about the Munger Games blog and including links directly to
15 the website at www.mungergames.net.

16 11. If the Headshot Photograph continues to be used, copied and distributed
17 in the manner described in this action, it could have a deleterious effect on the market
18 for licenses to use the Headshot Photograph.

19 12. I could not obtain a stipulation for this Administrative Motion because,
20 despite exhausting traditional avenues for identifying Defendants pre-service, I cannot
21 identity the Defendants with whom to confer until the requested discovery takes place.
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1 I declare under penalty of perjury that the foregoing is true and correct under the
2 laws of the state of California, except for those matters stated on information and belief
3 and I believe those matters to be true.

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5 Date: August 26, 2013

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A handwritten signature in blue ink, reading "Harmeet K. Dhillon". The signature is fluid and cursive, with the first name "Harmeet" being more prominent and the last name "Dhillon" following in a similar style.

Harmeet K. Dhillon